

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT MICHAEL BAGETTA,

Plaintiff,

FILE NO. 1:07-CV-289

v.

HON. ROBERT HOLMES BELL

PATRICIA L. CARUSO, et al.,

Defendants.

ORDER AND JUDGMENT ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to the Magistrate Judge for screening, pursuant to 28 U.S.C. § 1915A and 42 U.S.C. § 1997e(c). The Magistrate Judge issued a Report and Recommendation ("R&R") recommending that this Court dismiss the action for failure to state a claim (docket #11). The matter presently is before the Court on Plaintiff's objections to the R&R (docket #12).

This Court reviews *de novo* those portions of an R&R to which objections are made. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court may accept, reject or modify any or all of the Magistrate Judge's findings or recommendations. *Id.*

In his complaint, Plaintiff alleges that Defendants retaliated against him and violated his rights under both the Due Process Clause of the Fourteenth Amendment and the Eighth Amendment. Specifically, Plaintiff complains that Defendants refused to recognize his military record as sufficient proof of his completion of his GED, assigned him to attend

school as his work assignment and then, after he refused his school assignment, confined him to his cell between 8:00 a.m. and 4:30 p.m. on workdays.

Plaintiff does not object to the description of facts set forth in the R&R. Plaintiff also makes no attempt to dispute any particular element of the Magistrate Judge's legal reasoning. He merely declares without case support that, contrary to the Magistrate Judge's analysis, the facts as alleged state a claim under the Due Process Clause and the Eighth Amendment.

The Court has fully considered each of Plaintiff's objections and finds no error. The Court therefore denies Plaintiff's objections and adopts the Report and Recommendation of the Magistrate Judge as the opinion of the Court. Accordingly,

IT IS ORDERED that Plaintiff's objections (docket #12) to the Report and Recommendation of the Magistrate Judge are **DENIED** and the Report and Recommendation of the Magistrate Judge is **ADOPTED** in its entirety as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's complaint is dismissed for failure to state a claim, pursuant to 28 U.S.C. § 1915A and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that pending motions filed by Plaintiff (docket ##2, 3, 4) are **DENIED** as moot.

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Date: May 30, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE